

REMARKS

In light of the remarks to follow, reconsideration and allowance of this application is respectfully requested.

Amended claims 1, 3, and 6-7 and claim 5 are in this application. Claims 2 and 4 are canceled.

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,072,936 to Koyama in view of U.S. Patent No. 6,188,804 to Weldy et al.

Independent claim 1 recites in part as follows:

“...when the image data is read in the unit of block having said K lines and said L pixels and the read image data is short of the unit of block, said M lines are divided by said K lines resulting in a first remainder and said N pixels are divided by said L pixels resulting in a second remainder,

wherein a number of lines equal to half of said first remainder is added to an upper end of said image data and a lower end of said image data, and wherein a number of pixels equal to half of said second remainder is added to a left end of said image data and a right end of said image data.”

It is respectfully submitted that the applied combination of Koyama and Weldy does not appear to disclose the above-recited features of independent claim 1. Accordingly, independent claim 1 is believed to be distinguishable from the applied combination of Koyama and Weldy.

In the Office Action, the Examiner appears to reject independent claim 3 based on the same reasons the Examiner applied to independent claim 1. It is respectfully submitted that independent claim 3 has been amended in a manner similar to that of independent claim 1. Accordingly, amended independent claim 3 is believed to be distinguishable from the applied combination of Koyama and Weldy.

Claim 5 depends from claim 3 and, due to such dependency, is believed to be distinguishable from the applied combination of Koyama and Weldy for at least the reasons previously described.

With regard to claims 6 and 7, the Examiner appears to rely on Official Notice in addition to the reasons the Examiner relied upon to reject independent claims 1 and 3. Claims 6 and 7 have been amended in a manner similar to that of independent claim 1. Accordingly, amended independent claims 6 and 7 are believed to be distinguishable from the applied combination of Koyama and Weldy. The Examiner does not appear to rely on the Office Notice to cure the above-described deficiencies of the Koyama and Weldy combination. Accordingly, amended independent claims 6 and 7 are believed to be distinguishable from the applied combination of Koyama, Weldy, and Official Notice.

Furthermore, with regard to the Official Notice, reference is made to In re Pardo and Landau, (214 USPQ 673) in which the Court states at page 677:

“Assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the applicant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference.”

In view of In re Pardo and Landau, it is believed to be improper for the Examiner to fail to cite a reference, which specifically describes the features of claims 6 and 7.

Claims 2 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Koyama in view of Weldy in view of U.S. Patent No. 6,072,936 to Soloff. As previously mentioned, claims 2 and 4 are canceled. Cancellation of claims 2 and 4 should not be construed as an agreement by the applicant with the Examiner's arguments. Applicant reserves the right to


continue prosecution of these rejected claims in one or more divisional or continuation applications.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Respectfully submitted,
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